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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,619	09/30/2003	Aaron David Wikner	16187-US	6357

7590

04/05/2005

DEERE & COMPANY  
Patent Department  
One John Deere Place  
Moline, IL 61265-8098

EXAMINER
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WHITE, DWAYNE J

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

3P

**Office Action Summary**

Application No.

10/675,619

Applicant(s)

WIKNER, AARON DAVID

Examiner

Dwayne J White

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

The amendment filed 10 February 2005 has been carefully considered but has been deemed non persuasive. Claims 1-11 are pending. Applicant's amendment to the claims language has been noted with appreciation. Applicant's arguments in regards to claims 2-5 are deemed persuasive. Therefore, the rejection under 35 USC § 103(a) has been withdrawn.

In regards to claim 1, Applicant argues Hudson discloses an aspirator 22 that is a separate part this is mounted to a fan shroud 10. Applicant further argues the pre-cleaner of Hudson is attached to a hose with communicates with the port 34 on the aspirator. In contrast, Applicant claim stated that the fan shroud has an air passage in a surface thereof and that the pre-cleaner is mounted to the fan shroud such that the aspirator port is in direct communication with the passage via the nozzle. The Examiner respectfully disagrees with the assertion Hudson does not read on the claim. It is the position of the Examiner that while Hudson does disclose a hose connection the pre-cleaner to the aspirator, the claim language does not limit the claimed invention to exclude the additional component. Further, the claim language states that the pre-cleaner has an aspirator port. It does not state that the aspirator port cannot consist of more than one component, i.e. Hudson's aspirator port consists of all the components including the hose.

***Claim Objections***

Claim 1 is objected to because of the following informalities:

On line 7, "passage" should be --air duct--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hudson (U.S. Patent Number 5,427,502). Hudson discloses a fan shroud (10) (see Figure 1-3 and Col. 2, lines 12-13) aspirator for use with a pre-cleaner (24) (see Figure 1-3 and Col. 2, lines 12-13) having an aspirator port, wherein the shroud (10) is disposed between the fan and a cooling module (see Figure 1-3 and Col. 2, lines 22-45). Hudson discloses a passage in a surface of the fan shroud (10), wherein the passage communicates between portal and an aperture provided in the fan shroud (10) proximal to the fan (see Figure 1-3 and Col. 2, lines 25-55). Hudson discloses the pre-cleaner (24) being mounted to the fan shroud (10) wherein the aspirator port is in direct communication with the passage via the portal (see Figure 1-3 and Col. 2, lines 59-68). Hudson discloses a vacuum necessary for proper aspiration of the pre-cleaner provided by an airflow induced by the fan (12) through the passage (see Figure 1-3 and Col. 2, lines 20-41 and 59-68).

**CONCLUSION**

***Allowable Subject Matter***

Claims 2-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Contact Information***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

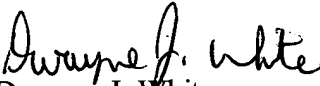
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwayne J White whose telephone number is (571) 272-4825. The examiner can normally be reached on 7:30 am to 5 pm T-F and alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (571) 272-4820. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3745

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Dwayne J. White  
Patent Examiner  
Art Unit 3745

DJW

  
EDWARD K. LOOK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

4/4/05